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7 Attorneys for Defendants,
THE UNLV RESEARCH FOUNDATION,
8 TOM WILLIAMS and PAUL FERGUSON

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 TARA SWEENEY,

12 Plaintiff,

13 vs.

14 THE UNLV RESEARCH FOUNDATION
domestic non-profit corporation; STATE ex
15 rel THE REGENTS OF THE UNIVERSITY
OF NEVADA LAS VEGAS; SCOTT SMITH,
16 an individual; TOM WILLIAMS, an
individual; and PAUL FERGUSON, an
17 individual,

18 Defendants.
19

CASE NO.: 2:09-cv-1167-JCM-GWF

**THE UNLV RESEARCH
FOUNDATION'S MOTION TO COMPEL
FURTHER RESPONSES AND
WITHDRAW OBJECTIONS TO
INTERROGATORIES UNDER
FED.R.CIV.P. 26(b) and 37(a)(5)(A);
DECLARATION OF KALEB
ANDERSON, ESQ. WITH EXHIBITS;
DECLARATION OF SHANNON
NORDSTROM, ESQ. WITH EXHIBITS**

20 Defendant THE UNLV RESEARCH FOUNDATION ("UNLVRF"), by and through its
21 attorneys, LIPSON, NEILSON, COLE, SELTZER & GARIN P.C., hereby moves this
22 Honorable Court for an Order compelling Plaintiff Tara Sweeney to respond to UNLVRF's
23 First Set of Interrogatories within seven (7) days under FRCP 26(b), 33, and 37(a)(5)(A) on
24 the grounds that Plaintiff failed to timely provide complete and verified responses and
25 refuses to withdraw the objections to her untimely responses. Defendant also moves this
26 Court for an Order requiring Plaintiff and/or her counsel to reimburse it for its fees associated
27 with bringing this motion.

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1 This Motion is based on FRCP 26(b) and 37(a)(5)(A), the Memorandum of Points and
2 Authorities attached hereto, the Declaration of Kaleb Anderson, Esq. with exhibits, and the
3 Declaration of Shannon Nordstrom, Esq. with exhibits, together with the pleadings on file
4 herein., and any such evidence and argument as may be presented at the hearing of this
5 motion.

6 Dated this 5th of April, 2010.

7 LIPSON NEILSON COLE SELTZER & GARIN P.C.

8 By: 

9 _____
10 Joseph P. Garin (Bar No. 6653)
11 Shannon D. Nordstrom (Bar No. 8211)
12 9580 West Sahara Avenue, Suite 120
13 Las Vegas, Nevada 89117
14 (702) 382-1500
15 Attorneys for Defendants,
16 THE UNLV RESEARCH FOUNDATION, TOM
17 WILLIAMS & PAUL FERGUSON
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MEMORANDUM OF POINTS AND AUTHORITIES

1. Factual Background

Plaintiff worked for UNLVRF beginning August 1, 2004, with the Institute for Security Studies ("ISS"). UNLVRF is a non-profit corporation which supports various programs at UNLV, including a Masters Program in Homeland Security.

Due to the impending loss of funding, Plaintiff received written notice on June 30, 2006 that her employment would be terminated. Plaintiff's notice provided her with one year advance notice of her termination. Consistent with the one year advance notice she had been given, Plaintiff's employment terminated on June 30, 2007.

In this case, Plaintiff claims that she was not paid commensurate with similarly situated male employees with the same or similar credentials while at UNLVRF, that she was subjected to gender and sexual harassment while working for UNLVRF, and that her termination was the result of retaliation. Plaintiff claims a myriad of damages, including back pay and lost pay as a result of her employment and termination.

2. Plaintiff Refuses to Comply with Her Discovery Obligations

Despite UNLVRF's attempts to obtain proper written discovery, Plaintiff refuses to comply with her discovery obligations. Defendant seeks Plaintiff's compliance.

A. Plaintiff's Failure to Remove Untimely Objections

The Federal Rules of Civil Procedure provide for specific avenues of discovery, certain requirements for complying with discovery, and certain penalties for failing to comply with discovery. Specifically, Fed R. Civ. P. 33, subsections (b)(2) and (b)(3) provide that interrogatories must be responded to within thirty (30) days, and under oath. And, the grounds for objecting to an interrogatory must be stated with specificity, and if not stated timely the objection is waived.¹ It is well established that, in the absence of an extension

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¹ Fed. R. Civ. Proc., Rule 33(b)(4).

1 of time, "the failure to object to interrogatories within the time fixed by Rule 33, FRCivP,
2 constitutes a waiver of any objection."²

3 On December 21, 2009, UNLVRF served Interrogatories on Plaintiff, by mail. See "A"
4 to Declaration of Shannon D. Nordstrom, Esq. This service made the responses due on or
5 before January 25, 2010.

6 On January 6, 2010, John C. Brice from Plaintiff's counsel's office sent
7 correspondence stating that he would likely need an extension on the responses until "early
8 February". See Exhibit "B" to Nordstrom Declaration. Ms. Nordstrom replied on January 10,
9 2010, indicating that an extension might be possible, but it would depend on the contents
10 of Plaintiff's initial disclosures which had not been received at the time [and were untimely
11 at that point]. The January 10th correspondence also requested a proposed extension date
12 from Mr. Brice, for the Defendants' consideration in light of Plaintiff's upcoming deposition.
13 See Exhibit "B" to Nordstrom Declaration. UNLVRF received no further response or
14 communication regarding an extension.

15 The January 25, 2010 deadline for Plaintiff to serve her interrogatory responses came
16 and passed with no communication from Plaintiff. On February 10, 2010, Defendant's
17 counsel sent a letter to Plaintiff's counsel noting that Plaintiff did not obtain an extension and
18 that since the interrogatory responses were then untimely that all objections were waived.
19 Defendant's counsel further demanded that Plaintiff provide her interrogatory responses,
20 without objections, no later than February 15, 2010. See Exhibit "C" to Nordstrom
21 Declaration.

22 On February 15, 2010, Defendants counsel finally received Plaintiffs Responses to
23 UNLVRF's First Set of Interrogatories. In addition to not providing a verification, the untimely
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27 ² *Davis v. Fendler*, 650 F.2d 1154, 1160 (9th Cir.1981) See also *Rishmark Corp. v. Timber Falling Consultants*,
28 959 F.2d 1154, 1160 (9th Cir. 1992); *Godsey v. United States*, 133 F.R.D. 111 (S.D. Miss.1990); *Scott v. Arex, Inc.*, 124 F.R.D. 39, 41 (D. Conn.1989); *Fretz v. Keltner*, 109 F.R.D. 303, 309 (D. Kan.1985); *Turick v. Yamaha Motor Corp.*, 121 F.R.D. 32, 36 (S.D.N.Y. 1988).

1 responses contained the following objections:³

2 **INTERROGATORY NO. 1.**

3 Please STATE the name, address and telephone number of each of YOUR
4 employers from 2000 to the time YOU were hired by Defendant, including the dates
5 of employment.

6 **RESPONSE:**

7 OBJECTION: This information is equally available to the Defendant as it is
8 to the Plaintiff. Without waiving this objection,

9 **INTERROGATORY NO. 2.**

10 DESCRIBE YOUR formal education, including the name of each school
11 attended, the dates when YOU attended each school and whether any degree or
12 certificate was obtained from each school.

13 **RESPONSE:**

14 OBJECTION: This information is equally available to the Defendant as it is
15 to the Plaintiff. Without waiving this objection,

16 **INTERROGATORY NO. 10.**

17 Are YOU presently married? If so, please state:

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19 **RESPONSE:**

20 OBJECTION: Relevance. Without waiving this objection, No.

21 **INTERROGATORY NO. 11.**

22 If YOU are a parent to any children, please state as to each child:

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24 **RESPONSE:**

25 OBJECTION: Relevance. Without waiving this objection, No.

26 **INTERROGATORY NO. 12.**

27 Are there any other persons dependant upon YOU for purposes of financial
28 support? If so, please state:

. . . .

RESPONSE:

OBJECTION: Relevance. Without waiving this objection, No.

INTERROGATORY NO. 13.

Have YOU ever previously been married? If so please state:

. . . .

RESPONSE:

OBJECTION: Relevance. Without waiving this objection, No.

INTERROGATORY NO. 16.

³ Plaintiff also objected to the disclosure of certain personal information, including date and place of birth, social security number, and driver's license number. Although no protective order was sought, UNLVRF does not request the disclosure of this information be compelled.

1 Have YOU ever been detained, arrested and/or convicted or adjudicated for
 2 the alleged commission of a civil infraction, misdemeanor, felony and/or other
 offense (including juvenile offenses)? If so, please state:

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4 **RESPONSE:**

OBJECTION: Relevance. Without waiving this objection, No.

5 See Exhibit "A" to Nordstrom Declaration.

6 Absent an extension, the law is clear that all objections to Interrogatories were waived
 7 by their delinquency. See *Davis* at 1160. Accordingly, Defendant requests Plaintiff provide
 8 amended responses with no objections.

9 **B. Plaintiff Failed to Verify Her Interrogatory Responses**

10 Failing to verify responses required to be made under oath is the same as not
 11 providing responses at all. Fed R. Civ. P. 33(b)(3) requires that "[e]ach interrogatory
 12 must...be answered separately and fully in writing under oath."⁴ See Exhibit "D" to
 13 Nordstrom Declaration. At Plaintiff's deposition on February 23, 2010, Defendants' counsel
 14 spoke with Plaintiff's counsel about the absence of the verification. See Nordstrom
 15 Declaration, ¶ 10. Despite serving her responses about six weeks ago, Plaintiff's obligation
 16 to provide a verification, and UNLVRF specifically requesting a verification, Plaintiff failed to
 17 provide a verification, making them equivalent to no response at all.

18 UNLVRF requests Plaintiff provide amended interrogatory responses, with no
 19 objections, all verified under oath as required.

20 **3. Defendant's Meet-and-Confer Efforts Were Met with Sheer Refusal**

21 In addition to the meet-and-confer efforts indicated above regarding the verification,
 22 on March 12, 2010, Defendant's counsel sent another letter to Plaintiff's counsel requesting
 23 responses without objections no later than March 19, 2010. See Exhibit "E" to Declaration
 24 of Kaleb Anderson, Esq. Having received no response from Plaintiff's counsel and no
 25 amended responses, Defendant's counsel called and spoke with Mr. Brice from Plaintiff's
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27 ⁴ See also *Saria v. Massachusetts Mut. Life Ins. Co.*, 228 F.R.D. 536 (S.D.W. Va., 2005)(invalidating unverified
 28 interrogatory responses and holding that "[w]hen responses are only signed by an attorney, and not by the client,
 the attorney has effectively been made a witness.").

1 attorney's office on March 19, 2010. Mr. Brice informed counsel that Plaintiff's attorney likely
 2 had not yet seen the March 12, 2010 letter, and that a response would be made by March
 3 23, 2010. See Anderson Declaration, ¶ 5.

4 On March 23, 2010 Plaintiff's counsel responded with a letter obstinately stating, "I
 5 am in receipt of your letter of March 12 regarding the issue of objections to your discovery
 6 requests. I found your analysis devoid of legal citation. I disagree with your analysis. I will
 7 not withdraw my objections." See Exhibit "F" to Anderson Declaration. Following the receipt
 8 of Plaintiff's March 23 letter, Defendant made one last plea with Plaintiff's counsel regarding
 9 the delinquent and improper discovery requests, urging compliance prior to March 29, 2010
 10 to avoid the present motion. See Exhibit "G" to Anderson Declaration. Plaintiff's counsel
 11 remains silent.

12 **4. Plaintiff's Disregard for Her Discovery Obligations and Failure to Meet-**
 13 **and-confer in Good Faith Warrants Reimbursement of Defendant's**
 14 **Attorney's Fees**

15 Despite efforts to obtain Plaintiff's compliance with her discovery obligations, no
 16 meaningful discussion or engagement came from Plaintiff. Fed R. Civ. P. 37(a)(5)(A) states
 17 that if a discovery motion is granted compelling discovery - or if the requested discovery is
 18 provided after the motion to compel is filed:

19 [T]he court must. . . require the party or deponent whose
 20 conduct necessitated the motion, the party or attorney advising
 21 that conduct, or both to pay to the movant's reasonable
 22 expenses incurred in making the motion, including attorney's
 23 fees. But the court must not order payment if:

- 24 (i) the movant filed the motion before attempting in good
- 25 faith to obtain the. . . discovery without court action;
- 26 (ii) the opposing party's nondisclosure, responses or
- 27 objection was substantially justified; or
- 28 (iii) other circumstances make an award of expenses unjust.

24 UNLVRF's counsel attempted to resolve the instant issues before filing this motion
 25 as set forth herein, and in the Declarations of Shannon D. Nordstrom and Kaleb D.
 26 Anderson. Plaintiff essentially ignored UNLVRF's requests, forcing it to bring this motion.
 27 In the present matter, Plaintiff lacks any justification for her refusal to meaningfully meet and
 28

1 confer, or to comply with her discovery obligations in the first instance. It appears Plaintiff's
 2 actions serve only to obstruct discovery and to frustrate the progression of this litigation. As
 3 such, UNLVRF requests that the Court award UNLVRF all attorneys fees associated with
 4 bringing this motion, including fees for attempting to meet and confer, filing the motion,
 5 responding to the opposition if any, and attending any hearing on the matter. Said fees will
 6 detailed in the Reply to this motion after Defendant's have a clear picture of the overall time
 7 incurred.

8 **5. Conclusion**

9 UNLVRF properly served Interrogatories on Plaintiff. Plaintiff's untimely responses
 10 contained numerous objections and were not verified as required. Despite this, Plaintiff
 11 refused to meaningfully meet and confer or to correct the problems with her discovery,
 12 necessitating this motion. As a result, UNLVRF requests the Court compel Plaintiff's
 13 compliance to provide verified responses, without objections, and order Plaintiff and/or her
 14 counsel to reimburse UNLVRF for its fees associated with bringing this motion.

15 Dated this 5th day of April, 2010.

16 LIPSON NEILSON COLE SELTZER & GARIN P.C.

17 By: 

18 Joseph P. Garin (Bar No. 6653)
 19 Shannon D. Nordstrom (Bar No. 8211)
 20 9580 West Sahara Avenue, Suite 120
 21 Las Vegas, Nevada 89117
 22 (702) 382-1500
 23 Attorneys for Defendants,
 24 THE UNLV RESEARCH FOUNDATION, TOM
 25 WILLIAMS & PAUL FERGUSON
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**DECLARATION OF SHANNON D. NORDSTROM, ESQ. IN SUPPORT
OF THE UNLV RESEARCH FOUNDATION'S MOTION TO COMPEL
FURTHER RESPONSES AND WITHDRAW OBJECTIONS TO
INTERROGATORIES UNDER FED.R.CIV.P. 26(b) and 37(a)(5)(A)**

I, Shannon D. Nordstrom, Esq., hereby declare and state as follows:

1. I am an attorney in the law firm Lipson, Neilson, Cole, Seltzer & Garin, P.C., counsel of record for Defendants in this matter. I am in good standing and duly licensed to practice law in Nevada.

2. I know the matters set forth herein of my own personal knowledge. I am competent to testify as to those facts stated herein in a court of law and will so testify if called upon. I make this affidavit in support of UNLV Research Foundations's Motion to Compel Further Responses and to Withdraw Objections to Interrogatories Under Fed.R.Civ.P. 26(b) and 37(a)(5)(A).

3. On December 21, 2010, UNLVRF propounded Interrogatories on Plaintiff by mail, making the responses due on or before January 25, 2010.

4. On January 6, 2010, John C. Brice from Plaintiff's counsel's office sent an email stating that he would likely need an extension on the responses until "early February." See Exhibit "B."

5. January 10, 2010, I replied to Mr. Brice indicating that an extension might be possible, but it would depend on the contents of Plaintiff's initial disclosures which had not been received [and were untimely] at the time. The January 10th response also requested a proposed extension date for Defendant's consideration. See Exhibit "B."

6. I received no further communications from Plaintiff's counsel regarding an extension and no extension was agreed to or finalized.

7. Plaintiff did not serve her Responses to Interrogatories on or before January 25, 2010.

8. On February 10, 2010, I sent a letter to Plaintiff's counsel reiterating that no extension had been granted and noting that since the Interrogatory Responses were

1 untimely that all objections were therefore waived. I also demanded Plaintiff provide the
 2 Interrogatory Responses, without objections, no later than February 15, 2010. See Exhibit
 3 "C."

4 9. That on February 15, 2010, I received a copy of Plaintiff's Responses to
 5 UNLVRF's First Set of Interrogatories. They did not contain a verification signed by Plaintiff,
 6 and they contained numerous objections. See Exhibit "D."

7 10. At Plaintiff's deposition on February 23, 2010, I informed Plaintiff's counsel that
 8 I did not receive a verification for the Interrogatory responses and requested one be
 9 provided.

10 11. I have not received a verification to Plaintiff's interrogatory responses.

11 12. I verified with counsel for UNLV and Scott Smith, Susan O'Brien, Esq., that she
 12 also did not receive a verification for Plaintiff's interrogatory responses.

13 13. UNLVRF now seeks by way of this Motion to Compel to obtain Plaintiff's
 14 verified responses, without objections.

15 14. Despite the meet-and-confer efforts of this office, we obtained no resolution
 16 to the issues presented in this motion.

17 Exhibits

18 15. I attach true and correct copies of the following documents:

19 Exhibit	Description
20 A	Defendant The UNLV Research Foundation's First Set of Interrogatories to Plaintiff dated December 21, 2010.
21 B	Email from John C. Brice to Shannon Nordstrom dated January 6, 2010 and return email from Shannon Nordstrom to John Brice dated January 10, 2010.
22 C	February 10, 2010 correspondence from Shannon Nordstrom to Jeffrey Whitehead regarding delinquent discovery responses and waived objections.

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Plaintiff's Responses to Defendant UNLV Research Foundation's First Set of Interrogatories to Plaintiff, dated February 12, 2010.

Executed this 5th day of April, 2010, at Las Vegas, Nevada.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct to the best of my knowledge.


SHANNON D. NORDSTROM, ESQ.

**DECLARATION OF KALEB D. ANDERSON, ESQ. IN SUPPORT
OF THE UNLV RESEARCH FOUNDATION'S MOTION TO COMPEL
FURTHER RESPONSES AND WITHDRAW OBJECTIONS TO
INTERROGATORIES UNDER FED.R.CIV.P. 26(b) and 37(a)(5)(A)**

I, Kaleb D. Anderson, Esq., hereby declare and state as follows:

1. I am an attorney in the law firm Lipson, Neilson, Cole, Seltzer, Garin, P.C., counsel of record for Defendants in this matter. I am in good standing, duly licensed to practice law in Nevada.

2. I know the matters set forth herein of my own personal knowledge. I am competent to testify as to those facts stated herein in a court of law and will so testify if called upon. I make this affidavit in support of UNLV RESEARCH Foundations's Motion to Compel Further Responses and Withdraw Objections to Interrogatories Pursuant to Fed.R.Civ.P. 26(b) and 37(a)(5)(A).

3. That on March 12, 2010 I sent a letter to Plaintiff's counsel requesting Interrogatory Responses without objections. Plaintiff was given until March 19, 2010 to provide a response. See Exhibit "E."

4. That on March 19, 2010 no response had been received.

5. That on March 19, 2010 I called Plaintiff's counsel's office and spoke with John Brice. Mr. Brice informed me that he believed that Mr. Whitehead had not yet seen the March 12 letter and stated that he would provide a response to our demand by March 23, 2010.

6. That on March 23, 2010 Plaintiff's counsel sent a letter addressed to declarant stating, "I am in receipt of your letter of March 12 regarding the issue of objections to your discovery requests. I found your analysis devoid of legal citation. I disagree with your analysis. I will not withdraw my objections." See Exhibit "F."

7. That on March 26, 2010 I sent one final letter to Plaintiff's counsel regarding the delinquent discovery requests, urging a response prior to March 29, 2010 to avoid the present motion. See Exhibit "G."

8. To date, Plaintiff has provided no response.

9. UNLVRF now seeks by way of this Motion to Compel complete responses, without objections from Plaintiff to UNLVRF's Interrogatories.

10. The undersigned hereby certifies that, pursuant to Fed. R. Civ. P. 37(a)(1) and LR-26-7(b) I have, in good faith, conferred with Plaintiff's counsel in an attempt to receive responses to this discovery. I received no response and was forced to bring this motion to compel responses to this discovery.

Exhibits

11. I attach true and correct copies of the following documents:

Exhibit	Description
E	March 12, 2010 letter from Kaleb Anderson to Jeffrey Whitehead regarding waived objections.
F	March 23, 2010 letter from Jeffrey Whitehead to Kaleb Anderson regarding disagreement with analysis and refusal to comply.
G	March 26, 2010 letter from Kaleb Anderson to Jeffrey Whitehead regarding compliance or motion to compel.

Executed this 5th day of April, 2010, at Las Vegas, Nevada.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct to the best of my knowledge.



KALEB D. ANDERSON, ESQ.

CERTIFICATE OF SERVICE

I certify that on the 5th day of April, 2010, I served a true and correct copy of THE UNLV RESEARCH FOUNDATION'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES PURSUANT TO FED.R.CIV.P. 26(b) and 37(a)(5)(A) upon the following parties, via first class mail, postage prepaid, addressed as follows:

Jeffrey J. Whitehead, Esq.
WHITEHEAD LAW OFFICES
2431 W. Horizon Ridge Pkwy., Suite 110
Las Vegas, NV 89052
Attorneys for Plaintiff

Susan C. O'Brien, Esq.
UNLV - General Counsel
Box 451085
4505 Maryland Pkwy
Las Vegas, NV 89154-1085
Attorneys for Defendant,
STATE ex rel THE REGENTS OF THE
UNIVERSITY OF NEVADA LAS VEGAS


An Employee of
Lipson, Neilson, Cole, Seltzer & Garin, P.C.

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EXHIBIT “A”

EXHIBIT “A”

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1 **INTG**

JOSEPH P. GARIN, ESQ.

Nevada Bar No. 6653

SHANNON D. NORDSTROM, ESQ.

Nevada Bar No. 8211

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Attorneys for Defendants,

THE UNLV RESEARCH FOUNDATION,

SCOTT SMITH, TOM WILLIAMS and

PAUL FERGUSON

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TARA SWEENEY,

Plaintiff,

vs.

THE UNLV RESEARCH FOUNDATION, a
domestic non-profit corporation; STATE ex
rel THE REGENTS OF THE UNIVERSITY
OF NEVADA LAS VEGAS; SCOTT SMITH,
an individual; TOM WILLIAMS, an
individual; and PAUL FERGUSON, an
individual,

Defendants.

CASE NO.: 2:09-cv-1167-JCM-GWF

**DEFENDANT THE UNLV RESEARCH
FOUNDATION'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF**

NOW COMES Defendant, THE UNLV RESEARCH FOUNDATION, by and through
its attorneys, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., and hereby submits the
following Interrogatories to be answered fully and in writing, under oath, by the above-named
Plaintiff, TARA SWEENEY, pursuant to F.R.C.P. 33. Defendant expressly reserves the right
to submit further Interrogatories.

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INTERROGATORIES

INTERROGATORY NO. 1:

Please **STATE** the name, address and telephone number of each of **YOUR** employers from 2000 to the time **YOU** were hired by Defendant, including the dates of employment.

INTERROGATORY NO. 2:

DESCRIBE YOUR formal education, including the name of each school attended, the dates when **YOU** attended each school and whether any degree or certificate was obtained from each school.

INTERROGATORY NO. 3:

If currently employed, please provide the name and address of **YOUR** employer.

INTERROGATORY NO. 4:

Have **YOU** ever received any federal or state government benefits for disability, unemployment, retirement, health care, social security or welfare benefit of any nature? If so, please **IDENTIFY** the specific nature of each benefit received.

INTERROGATORY NO. 5:

If **YOU** applied for employment with any company since the date of the events that gave rise to this lawsuit, please **IDENTIFY** the name, address, and date(s) of application of each.

INTERROGATORY NO. 6:

State the name and addresses of all persons who **YOU** may call as an expert witness at trial. For each person so listed, state:

- a. The subject matter about which the expert is expected to testify;
- b. The substance of the facts and opinions to which the expert is expected to testify;
- c. A summary of the grounds for each opinion; and,

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- d. Whether the expert has made any written report or statement regarding the substance of his/her opinion and/or proposed testimony. If so, please attach a copy of said report or statement.

INTERROGATORY NO. 7:

IDENTIFY by name and address each and every person which Plaintiff has reason to believe may be a witness called by Plaintiff at the trial of this matter or who has personal knowledge of Plaintiff's claims. For each person so listed, state:

- a. A short statement in narrative form describing the nature and substance of the proposed testimony of the witness and/or the personal knowledge of the individual; and
- b. **IDENTIFY** which allegations in the Complaint or defenses would be addressed by the proposed testimony of the witness and/or the personal knowledge of the individual.

INTERROGATORY NO. 8:

Please **IDENTIFY** yourself by stating:

- a. **YOUR** full name (if **YOU** have ever used or been known by any other name, please state each other name);
- b. **YOUR** current address and first date of residency there;
- c. Each of **YOUR** former addresses for the past ten (10) years, together with the dates when **YOU** lived at each address;
- d. **YOUR** date and place of birth;
- e. **YOUR** social security number; and
- f. **YOUR** driver's license number and the state(s) in which **YOU** are licensed.

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INTERROGATORY NO. 9:

Please **IDENTIFY** each and every person consulted by **YOU** in preparing the answers to these interrogatories and indicate to which answers each person contributed or was asked to contribute. In addition, please **IDENTIFY** the sources of all information relied upon to answer these interrogatories other than personal knowledge.

INTERROGATORY NO. 10:

Are **YOU** presently married? If so, please state:

- a. When and where **YOU** were married, and the full name and address of **YOUR** spouse;
- b. If there is a divorce action pending or contemplated between **YOU** and **YOUR** present spouse;
- c. Whether or not a divorce action has been filed; and,
- d. If a divorce action has been filed, give the name of the court in which it is pending.

INTERROGATORY NO. 11:

If **YOU** are a parent to any children, please state as to each child:

- a. Name and present address;
- b. Date and place of birth;
- c. Marital status of each child;
- d. Date and place of each child's marriage and the full name of each spouse; and
- e. The approximate amount of financial support **YOU** provide each child per year.

INTERROGATORY NO. 12:

Are there any other persons dependent upon **YOU** for purposes of financial support?

If so, please state:

- a. The name, address, relationship and age of each dependent; and,

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- 1 b. State the amount of financial support **YOU** provide each
2 dependent per year.

3 **INTERROGATORY NO. 13:**

4 Have **YOU** ever previously been married? If so, please state:

- 5 a. The name of each former spouse;
6 b. The date and place of each marriage;
7 c. The date of termination of each marriage; and
8 d. If terminated by divorce, give the date and place of the divorce,
9 the name of the court in which the divorce was granted and the
10 last known address of the spouse.

11 **INTERROGATORY NO. 14:**

12 Are **YOU** making a claim for loss of wages or other income as a result of the
13 occurrences which give rise to **YOUR** Complaint?

14 **INTERROGATORY NO. 15:**

15 If **YOUR** answer to Interrogatory No. 14 is in the affirmative, please state:

- 16 a. All earnings or sums of money which **YOU** claim to have been
17 deprived of by reason of Defendants' actions;
18 b. The method of computing said losses;
19 c. The date(s) during which **YOU** were prevented from earning
20 such income; and
21 d. Whether **YOU** were working part time or whether **YOU** are fully
22 unable to work during the period of such loss.

23 **INTERROGATORY NO. 16:**

24 Have **YOU** ever been detained, arrested and/or convicted or adjudicated for the
25 alleged commission of a civil infraction, misdemeanor, felony and/or other offense (including
26 juvenile offenses)? If so, please state:

- 27 a. The time, date and location of each such detention and/or arrest;

28 ///

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9500 West Sahara Avenue, Suite 120
Las Vegas, Nevada 89117
(702) 382-1500

- b. The particular court where the action involving the detention and/or arrest was filed, including the case number assigned by the court;
- c. The specific charge for which **YOU** were arrested or detained on each such occasion;
- d. If **YOU** have ever been named as a defendant in a criminal proceeding and/or equivalent juvenile action, state for each such action:
 - i. The court where the action was filed and the case number of same assigned by the court;
 - ii. The particular charges which were the subject of such court action and the disposition of charge; and
- e. To the extent not indicated in **YOUR** response to the preceding sub-parts of this interrogatory, the disposition of each charge for which **YOU** were arrested or detained.

INTERROGATORY NO. 17:

As a result of the incidents or events in **YOUR** Complaint, set forth in detail the nature of the damages alleged to have been sustained by **YOU** (other than those identified in **YOUR** Answer to Interrogatory No. 16 and **DESCRIBE** the method of computation used by Plaintiff in arriving at these damage figures.

INTERROGATORY NO. 18:

Have **YOU** spoken to or corresponded with any current or former employees of Defendant UNLV RESEARCH FOUNDATION, relative to any of **YOUR** claims? If so, state the name and address of each person with whom such a conversation or correspondence was had, the date of the conversation or correspondence, and the nature of the conversation or correspondence.

///

///

1 **INTERROGATORY NO. 19:**

2 State whether **YOU** have ever received reprimands or other forms of disciplinary
3 actions or counseling from employers *other than* Defendant UNLV RESEARCH
4 FOUNDATION. If so, please state the name and address of the employer, the nature of the
5 infraction for which **YOU** were reprimanded, disciplined or counseled, and **IDENTIFY** any
6 documents pertaining to any of these actions.

7 **INTERROGATORY NO. 20:**

8 **DESCRIBE** every document which was examined or consulted by Plaintiff, her
9 representative(s) or attorney(s) in preparing answers to the foregoing Interrogatories, and
10 indicate the name and address of the custodian of each of those document(s).

11 **INTERROGATORY NO. 21:**

12 If **YOU** claim personal injuries as a result of the circumstances or events alleged in
13 **YOUR** Complaint, please **DESCRIBE** each injury, state when it first manifested, and
14 **DESCRIBE** all treatment **YOU** have received for said injury(ies).

15 Dated this 21st of December, 2009

16 LIPSON NEILSON COLE SELTZER & GARIN P.C.

17
18 By: 

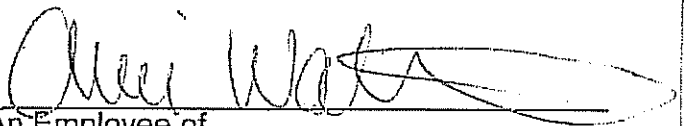
19 Joseph P. Garin, Esq. (Bar No. 6653)
20 Shannon D. Nordstrom, Esq. (Bar No. 8211)
21 9580 West Sahara Avenue, Suite 120
22 Las Vegas, Nevada 89117
23 (702) 382-1500
24 Attorneys for Defendants,
25 THE UNLV RESEARCH FOUNDATION, SCOTT
26 SMITH, TOM WILLIAMS & PAUL FERGUSON
27
28

CERTIFICATE OF SERVICE

I certify that on the 21st day of December, 2009, I served a true and correct copy of
DEFENDANT THE UNLV RESEARCH FOUNDATION'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF upon the following parties, via first class mail, postage
prepaid, addressed as follows:

Jeffrey J. Whitehead, Esq.
WHITEHEAD LAW OFFICES
2431 W. Horizon Ridge Pkwy., Suite 110
Las Vegas, NV 89052
Attorneys for Plaintiff

Susan C. O'Brien, Esq.
UNLV - General Counsel
Box 451085
4505 Maryland Pkwy
Las Vegas, NV 89154-1085
Attorneys for Defendant,
STATE ex rel THE REGENTS OF THE
UNIVERSITY OF NEVADA LAS VEGAS


An Employee of
Lipson, Neilson, Cole, Seltzer & Garin, P.C.

Lipson, Neilson, Cole, Seltzer & Garin, P.C.
9580 West Sahara Avenue, Suite 120
Las Vegas, Nevada 89117
(702) 382-1500

EXHIBIT “B”

EXHIBIT “B”

SHANNON NORDSTROM

From: SHANNON NORDSTROM
Sent: Sunday, January 10, 2010 12:48 PM
To: 'Jay Brice'
Subject: RE: Sweeney v. UNLV Research Foundation: Discovery Responses

Jay,

We can likely work out an extension, but I will need to see your client's initial document disclosures to determine the amount of time we can allow on the extension. Since they were due Friday, I expect to receive them in the mail on Monday and will take a look at them. Please send me a proposed date for my consideration.

Thank you,
Shannon

Lipson|Neilson
COLE, SELTZER, GARIN, P.C.
Attorneys at Law

Shannon Nordstrom, Esq.
Lipson, Neilson, Cole, Seltzer & Garin, P.C.
9580 West Sahara Ave., Suite 120
Las Vegas, NV 89117
(702) 382-1500
(702) 375-6358 (cell)
(702) 382-1512 (fax)
E-Mail: snordstrom@lipsonneilson.com
Website: www.lipsonneilson.com

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From: Jay Brice [mailto:jay@whiteheadlaw.org]
Sent: Wednesday, January 06, 2010 2:03 PM
To: SHANNON NORDSTROM
Subject: Sweeney v. UNLV Research Foundation: Discovery Responses

Dear Shannon:

You issued discovery requests which we received on December 22. We are working with our client on preparing responses, however she learned last week that she is moving to Massachusetts, and is even now packing for the move, and will spend next week driving across the country. She has made plans to be available for deposition on the dates we earlier provided, however as she is in the midst of the move even now, she is requesting that we procure an extension on the due date for her responses to the written discovery requests. I think early February would be acceptable. Please advise. Thanks.

Sincerely,

John C. Brice, J.D.
Whitehead Law Offices
2431 W. Horizon Ridge Pkwy., Suite 110
Henderson, NV 89052
PH: (702) 451-7272
FAX: (702) 451-2947

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EXHIBIT “C”

EXHIBIT “C”

LAW OFFICES

JEFFREY T. NEILSON^{1,2,3}
JOSEPH P. GARIN^{1,2,3,5}
PHILLIP E. SELTZER^{1,2}
SHANNON D. NORDSTROM^{1,6}
ANDY L. EDMONDSON¹
JAMES B. FAIRBANKS^{1,9}

1 ADMITTED IN NEVADA
2 ADMITTED IN MICHIGAN
3 ADMITTED IN ILLINOIS
4 ADMITTED IN NEW YORK
5 ADMITTED IN COLORADO
6 ADMITTED IN CALIFORNIA
7 ADMITTED IN FLORIDA
8 ADMITTED IN OHIO
9 ADMITTED IN WASHINGTON

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Attorneys and Counselors at Law

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TELEFAX (702) 382-1512
www.lipsonneilson.com

E-MAIL: snordstrom@lipsonneilson.com

February 10, 2010

BARRY J. LIPSON
(1955-2003)

STEVEN R. COLE²
THOMAS G. COSTELLO³
DAVID B. DEUTSCH²
HOWARD A. LAX²
JOSEPH A. STARR²
STEVEN H. MALACH²
KAREN A. SMYTH^{2,4}
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C. THOMAS LUDDEN²
STUART D. LOGAN²
ALEX L. ALEXOPOULOS^{2,8}
KIRSTEN E. GRAMZOW²
STARR M. HEWITT²
SHAWN Y. GRINNEN²
JASON M. SHINN²
MARK E. PHILLIPS²
SANDY D. GLAZIER¹
DOUGLAS E. KELIN^{2,3,7}

VIA FACSIMILE & U.S. MAIL

Jeffrey J. Whitehead, Esq.
Whitehead Law Office
2431 W. Horizon Ridge Pkwy., Suite 110
Henderson, NV 89052

**Re: Tara Sweeney v. UNLV Research Foundation, et al.
Case No. 2:09-cv-01167**

Dear Mr. Whitehead:

As you know, the Research Foundation served a set of written Requests for Production and Interrogatories on Plaintiff on December 21, 2010, by email and first-class mail. This service made the responses due on or before January 25, 2010.

On January 6, 2010, Mr. Brice wrote to our office indicating that he would likely need an extension on the responses until "early February". We replied on January 10, 2010, indicating that we could likely work out an extension, but it would depend on the contents of Plaintiff's initial disclosures. We also requested a proposed extension date from Mr. Brice, for consideration. We attach a copy of that correspondence for your convenience. We received no response and the parties did not ultimately agree on an extension.

The failure to timely provide discovery responses results in the waiver of all objections. To date, Plaintiff's responses remain outstanding with no extension granted. Accordingly, please provide Plaintiff's responses, without objections, no later than February 15, 2010, or we will seek intervention of the court through motions to compel. In the event motions to compel become necessary, we will seek the appropriate reimbursement for the time associated with said motions.



Jeffrey J. Whitehead, Esq.
February 10, 2010
Page 2

We look forward to your anticipated cooperation regarding this matter. If you have any questions, please do not hesitate to contact me at your convenience. Thank you.

Very truly yours,

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

A handwritten signature in cursive script, reading 'Shannon D. Nordstrom', is positioned above the printed name.

SHANNON D. NORDSTROM

SDN/cw/GR3384-034
Enclosure

cc: Susan O'Brien, Esq. - via email

SHANNON NORDSTROM

From: SHANNON NORDSTROM
Sent: Sunday, January 10, 2010 12:48 PM
To: 'Jay Brice'
Subject: RE: Sweeney v. UNLV Research Foundation: Discovery Responses

Jay,

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Thank you,
Shannon

Lipson|Neilson
COLE, SELTZER, GARIN, P.C.
ATTORNEYS AT LAW

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Las Vegas, NV 89117
(702) 382-1500
(702) 375-6358 (cell)
(702) 382-1512 (fax)
E-Mail: snordstrom@lipsonneilson.com
Website: www.lipsonneilson.com

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From: Jay Brice [mailto:jay@whiteheadlaw.org]
Sent: Wednesday, January 06, 2010 2:03 PM
To: SHANNON NORDSTROM
Subject: Sweeney v. UNLV Research Foundation: Discovery Responses

Dear Shannon:

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Sincerely,

John C. Brice, J.D.
Whitehead Law Offices
2431 W. Horizon Ridge Pkwy., Suite 110
Henderson, NV 89052
PH: (702) 451-7272
FAX: (702) 451-2947

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TELEPHONE (702) 382-1500

TELEFAX (702) 382-1512

www.lipsonneilson.com

E-MAIL: snordstrom@lipsonneilson.com

Date: February 10, 2010

Addressee	Telephone Number	Telefax Number
Jeffrey J. Whitehead, Esq.	(702) 451-7272	(702) 451-2947

NUMBER OF PAGES: 5 (Including this page)

SUBJECT: UNLV Research Foundation, et al., adv. Sweeney

COMMENTS: Please see attached correspondence. Thank you.

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

By: SHANNON D. NORDSTROM

Our Client Code: GR3384-034

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COLE, SELTZER, GARIN, P.C.
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LAS VEGAS, NEVADA 89117

TELEPHONE (702) 382-1500

TELEFAX (702) 382-1512

www.lipsonneilson.com

E-MAIL: snordstrom@lipsonneilson.com

Date: February 10

Addressee	Telephone Number	Telefax Number
Jeffrey J. Whitehead, Esq.	(702) 451-7272	(702) 451-2941

No.	Date and Time	Destination	Times	Type	Result	Resolution / ECM
001	02/10/2010 17:50	4512947	0°00'55"	FAX	OK	200x200 Fine / On

EXHIBIT “D”

EXHIBIT “D”

1 Jeffrey J. Whitehead, Esq.
2 Nevada Bar No. 3183
3 **WHITEHEAD LAW OFFICES**
4 2431 W. Horizon Ridge Pkwy.
5 Suite 110
6 Henderson NV 89052
7 VOX: (702) 451-7272
8 FAX: (702) 451-2947
9 email: jeff@whiteheadlaw.org

10 *Attorneys for Plaintiff Tara Sweeney*

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 TARA SWEENEY,

14 Plaintiff,

15 vs.

16 THE UNLV RESEARCH FOUNDATION, a
17 domestic non-profit corporation; THE STATE
18 OF NEVADA ex. rel BOARD OF REGENTS
19 OF THE NEVADA SYSTEM OF HIGHER
20 EDUCATION, ON BEHALF OF THE
21 UNIVERSITY OF NEVADA, LAS VEGAS;
SCOTT SMITH an individual; TOM
WILLIAMS, an individual; and PAUL
FERGUSON, an individual;

22 Defendants.

CASE NO.: 2:09-CV-01167

Date of Hearing:
Time of Hearing:

PLAINTIFF'S RESPONSES TO
DEFENDANT THE UNLV RESEARCH
FOUNDATION'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF

23 PLAINTIFF'S RESPONSES TO DEFENDANT THE UNLV RESEARCH FOUNDATION'S
24 FIRST SET OF INTERROGATORIES TO PLAINTIFF

25 **INTERROGATORY NO. 1.**

26 Please STATE the name, address and telephone number of each of YOUR employers
27 from 2000 to the the time YOU were hired by Defendant, including the dates of employment.

28 **RESPONSE:**

OBJECTION: This information is equally available to the Defendant as it is to the Plaintiff.

1 Without waiving this objection,

2 Employer: Bechtel Nevada;

3 Dates: September 1998-November 2000;

4 Address: 2621 N. Losee Road, Las Vegas, NV 89193-8521;

5 Phone: 702.295.0577.

6
7 Employer: Technical Solutions Group International;

8 Dates: November 2000-December 2001;

9 Address: 3804 Triora Street, Las Vegas, NV 89129;

10 Phone: 702.656.5482.

11
12 Employer: Servamer Corporation;

13 Dates: December 2001-Present;

14 Address: 1450 W. Horizon Ridge Pkwy, Suite B304 #532, Henderson, NV
15 89012-4480; Phone: 702.808.7724.

16
17 **INTERROGATORY NO. 2.**

18 DESCRIBE YOUR formal education, including the name of each school attended, the
19 dates when YOU attended each school and whether any degree or certificate was obtained from
20 each school.

21 **RESPONSE:**

22 OBJECTION: This information is equally available to the Defendant as it is to the Plaintiff.

23 Without waiving this objection,

24 School: United States Air Force Academy;

25 Dates: 1991-1995;

26 Degrees: Bachelor of Science-Geography; Bachelor of Science-History.
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School: University of North Carolina at Chapel Hill;
Dates: 1995-1996;
Degree: Master of Arts-Geography.

School: University of Nevada, Las Vegas;
Dates: 1999;
Degree: None—audited Calculus III.

School: Community College of Southern Nevada;
Dates: 2002-2003;
Degree: None—completed prerequisite courses for MBA.

School: Regis University;
Dates: 2002-2007;
Degree: Master of Business Administration.

INTERROGATORY NO. 3.

If currently employed, please provide the name and address of YOUR employer.

RESPONSE:

Employer: Servamer Corporation;
Address: 1450 W. Horizon Ridge Pkwy, Suite B304 #532, Henderson, NV
89012-4480.

INTERROGATORY NO. 4.

Have YOU ever received any federal or state government benefits for disability,

1 unemployment, retirement, health care, social security or welfare benefit of any nature? If so,
2 please IDENTIFY the specific nature of each benefit received.

3 **RESPONSE:**

4 United States Air Force, Retirement.

5 Department of Veterans Affairs, Disability Compensation.

6
7 **INTERROGATORY NO. 5.**

8 If YOU applied for employment with any company since the date of the events that gave
9 rise to this lawsuit, please IDENTIFY the name, address, and date(s) of application of each.

10 **RESPONSE:**

11 Employer: Servamer Corporation;

12 Address: 1450 W. Horizon Ridge Pkwy, Suite B304 #532, Henderson, NV
13 89012-4480;

14 Date of Application: July 1, 2007.

15 Additional responsive information is presently unavailable. Plaintiff reserves the right to
16 supplement this response.

17 **INTERROGATORY NO. 6.**

18 State the name and address of all persons who YOU may call as an expert witness at trial.
19 For each person so listed, state:

- 20 a. The subject matter about which the expert is expected to testify;
21 b. The substance of the facts and opinions to which the expert is expected to testify;
22 c. A summary of the grounds for each opinion; and
23 d. Whether the expert has made any written report or statement regarding the
24 substance of his/her opinion and/or proposed testimony. If so, please attach a
25 copy of said report or statement.

26 **RESPONSE:**

27 No potential expert witnesses have yet been identified. Plaintiff reserves the right to
28 supplement this response.

INTERROGATORY NO. 7.

IDENTIFY by name and address each and every person which Plaintiff has reason to believe may be a witness called by Plaintiff at the trial of this matter or who has personal knowledge of Plaintiff's claims. For each person so listed, state:

- a. A short statement in narrative form describing the nature and substance of the proposed testimony of the witness and/or the personal knowledge of the individual.
- b. IDENTIFY which allegations in the Complaint or defenses would be addressed by the proposed testimony of the witness and/or the personal knowledge of the individual.

RESPONSE:

See witnesses identified in Plaintiff's initial disclosures. To the extent that the following persons were not listed in those initial disclosures, the persons whose names follow hereafter may also be witnesses. Each such witness is expected to testify as to all facts within the scope of their knowledge which may pertain to any or all of the allegations in the Complaint.

- Lee Bernick, Interim Dean, Greenspun College of Urban Affairs; Former Department Chair, Department of Public Administration
- Harry Bostick, Former Director of Advanced Technologies , UNLV ISS
- Elizabeth Dickson, Former CFO, UNLVRF
- Paul Ferguson, Former Vice President for Research and Graduate Studies
- Michael Gillette, Former Deputy Director of Training, Assessments, and Readiness, UNLV ISS

- 1 - Kelly Greenwood, Former Operations Manager, UNLV ISS
- 2
- 3 - David Hassenzahl, Chair, Department of Environmental and Public Affairs
- 4
- 5 - Melany Hogan, Former Business Manager, UNLV ISS
- 6
- 7 - Pam Levins, Former COO, UNLVRF
- 8
- 9 - Karen Rankin, Former Consultant to UNLVRF
- 10
- 11 - Mark Rudin, Former Interim Vice President for Research and Graduate College
- 12 Dean
- 13
- 14 - Linda Smith, Former Consultant to UNLVRF/UNLVISS
- 15
- 16 - Ron Smith, Vice President Research and Graduate Studies
- 17
- 18 - Scott Smith, Executive Director, UNLV ISS
- 19
- 20 - Christine Springer, Director ECEM, Department of Environmental and Public
- 21 Affairs
- 22
- 23 - Ginger Swartz, Former Chief of Staff, UNLVRF
- 24
- 25 - Martha Szramek, Former Research and Grant Writer, UNLVISS
- 26
- 27 - Lee Van Arsdale, Former Executive Director, UNLVISS
- 28

- 1 - Martha Watson, Former Dean, Greenspun College of Urban Affairs
- 2
- 3 - Tom Williams, Former Executive Director, UNLVRF; Former Executive
- 4 Director, UNLVISS; Associate Vice President for Federal Agency Initiatives
- 5

6 **INTERROGATORY NO. 8.**

7 Please IDENTIFY yourself by stating:

- 8 a. YOUR full name (if YOU have ever used or been known by any other name,
- 9 please state each other name);
- 10 b. YOUR current address and first date of residency there;
- 11 c. Each of YOUR former addresses for the past ten (10) years, together with the
- 12 dates when YOU lived at each address;
- 13 d. YOUR date and place of birth;
- 14 e. YOUR social security number; and
- 15 f. YOUR driver's license number and the state(s) in which YOU are licensed,.

16 **RESPONSE:**

- 17 a. Tara Lynn Sweeney
- 18 b. 196 Tibbett Circle, Fitchburg, MA 01420
- 19 c. 514 Enchanted Lakes Drive, Henderson, NV 89052, January 2002-January 2010
- 20 210 Luninborg Street, Henderson, NV 89074, November 1998-January 2002
- 21 d. OBJECTION AS TO DATE OF BIRTH. Federal rules prohibit the inclusion of
- 22 such information in court documents Also, relevance.. OBJECTION AS TO
- 23 PLACE OF BIRTH: Relevance.
- 24 e. OBJECTION AS TO SOCIAL SECURITY NUMBER. Federal rules prohibit the
- 25 inclusion of such information in court documents. Also, relevance.
- 26 f. OBJECTION AS TO DRIVER'S LICENCE INFORMATION: Relevance.

27 **INTERROGATORY NO. 9.**

28

1 Please IDENTIFY each and every person consulted by YOU in preparing the answers to
2 these interrogatories and indicate to which answers each person contributed or was asked to
3 contribute. In addition, please IDENTIFY the source of all information relied upon to answer
4 these interrogatories other than personal knowledge.

5 **RESPONSE:**

6 Other than legal counsel, no one was consulted. Source of information: All documents
7 referenced in or attached to the Responses to Requests for Production of Documents.

8
9 **INTERROGATORY NO. 10.**

10 Are YOU presently married? If so, please state:

- 11 a. When and where YOU were married, and the full name and address of YOUR
12 spouse;
13 b. If there is a divorce action pending or contemplated between YOU and YOUR
14 present spouse;
15 c. Whether or not a divorce action has been filed; and,
16 d. If a divorce action has been filed, give the name of the court in which it is
17 pending.

18 **RESPONSE:**

19 OBJECTION: Relevance. Without waiving this objection, No.

20
21 **INTERROGATORY NO. 11.**

22 If YOU are a parent to any children, please state as to each child:

- 23 a. Name and present address;
24 b. Date and place of birth;
25 c. Marital status of each child;
26 d. Date and place of each child's marriage and the full name of each spouse; and
27 e. The approximate amount of financial support YOU provide each child per year.

28 **RESPONSE:**

OBJECTION: Relevance. Without waiving this objection, No.

1
2 **INTERROGATORY NO. 12.**

3 Are there any other persons dependent upon YOU for purposes of financial support? If
4 so, please state:

- 5 a. The name, address, relationship and age of each dependent; and
6 b. State the amount of financial support YOU provide each dependent per year.

7 **RESPONSE:**

8 OBJECTION: Relevance. Without waiving this objection, No.
9

10 **INTERROGATORY NO. 13.**

11 Have YOU ever previously been married? If so, please state:

- 12 a. The name of each former spouse;
13 b. The date and place of each marriage;
14 c. The date of termination of each marriage; and
15 d. If terminated by divorce, give the date and place of the divorce, the name of the
16 court in which the divorce was granted and the last known address of the spouse.

17 **RESPONSE:**

18 OBJECTION: Relevance. Without waiving this objection, No.
19

20 **INTERROGATORY NO. 14.**

21 Are YOU making a claim for loss of wages or other income as a result of the occurrences
22 which give rise to YOUR Complaint?

23 **RESPONSE:**

24 Yes.
25

26 **INTERROGATORY NO. 15.**

27 If YOUR answer to Interrogatory No. 14 is in the affirmative, please state:

- 28 a. All earnings or sums of money which YOU claim to have been deprived by
reason of Defendants' actions;

- b. The method of computing said losses;
- c. The date(s) during which YOU were prevented from earning such income; and
- d. Whether YOU were working part time or whether YOU are fully unable to work during the period of such loss.

RESPONSE:

See the spreadsheet marked as **Exhibit A**, attached hereto and made a part hereof by this reference. Plaintiff was working full time for the UNLV Research Foundation during the period of such loss.

INTERROGATORY NO. 16.

Have YOU ever been detained, arrested and/or convicted or adjudicated for the alleged commission of a civil infraction, misdemeanor, felony and/or other offense (including juvenile offenses)? If so, please state:

- a. The time, date and location of each such detention and/or arrest;
- b. The particular court where the action involving the detention and/or arrest was filed, including the case number assigned by the court;
- c. The specific charge for which YOU were arrested or detained on each such occasion;
- d. If YOU have ever been named as a defendant in a criminal proceeding and/or equivalent juvenile action, state for each such action:
 - i. The court where the action was filed and the case number of same assigned by the court;
 - ii. The particular charges which were the subject of such court action and the disposition of charge; and
- e. To the extent not indicated in YOUR response to the preceding sub-parts of this interrogatory, the disposition of each charge for which YOU were arrested or detained.

RESPONSE:

OBJECTION: Relevance. Without waiving this objection, No.

1
2 **INTERROGATORY NO. 17.**

3 As a result of the incidents or events in YOUR Complaint, set forth in detail the nature of
4 the damages alleged to have been sustained by YOU (other than those identified in YOUR
5 Answer to Interrogatory No. 16 and DESCRIBE the method of computation used by Plaintiff in
6 arriving at these damage figures.

7 **RESPONSE:**

8 Damages include but are not limited to those accrued in the form of income that should
9 have been paid to Plaintiff by Defendants but was not due to Defendants' unlawful and
10 discriminatory actions. The spreadsheet attached hereto and marked as **Exhibit A** illustrates the
11 method by which these damages have been calculated. This calculation is preliminary, and
12 Plaintiff reserves the right to supplement this response with additional forms and calculations of
13 damages.

14
15 **INTERROGATORY NO. 18.**

16 Have YOU spoken to or corresponded with any current or former employees of
17 Defendant UNLV RESEARCH FOUNDATION, relative to any of YOUR claims? If so, state
18 the name and address of each person with whom such a conversation or correspondence was had,
19 the date of the conversation or correspondence, and the nature of the conversation or
20 correspondence.

21 **RESPONSE:**

- 22 - Telephone Conversation; Lee Van Arsdale; Approximately December 2007;
23 Notified him that I had listed him as a witness on my NERC Intake Inquiry Form,
24 dated December 21, 2007.
- 25 - Telephone Conversation; Martha Szramek; Approximately December 2007;
26 Notified her that I had listed her as a witness on my NERC Intake Inquiry Form,
27 dated December 21, 2007.
28

1 - Telephone Conversation; Melany Hogan; Approximately December 2007;
2 Notified her that I had listed her as a witness on my NERC Intake Inquiry Form,
3 dated December 21, 2007.

4
5 - Telephone Conversation; Lee Van Arsdale; Approximately January 2010;
6 Provided a brief update on the status of the case

7
8 Plaintiff reserves the right to supplement this response.

9
10 **INTERROGATORY NO. 19.**

11 State whether YOU have ever received reprimands or other forms of disciplinary actions
12 or counseling from employers other than Defendant UNLV RESEARCH FOUNDATION. If so,
13 please state the name and address of the employer, the nature of the infraction for which YOU
14 were reprimanded, disciplined or counseled, and IDENTIFY any documents pertaining to any of
15 these actions.

16 **RESPONSE:**

17 Yes. Department of the Air Force, Headquarters 16th Special Operations Wing.

18 Letter of Admonishment for fraternizing with an enlisted person in violation of Article
19 134 of the Uniform Code of Military Justice, as well as AFI 36-2909. Documents pertaining to
20 this action are included in the CD-ROM attached to the Responses to Requests for Production,
21 and bear bates numbers SWE000477-SWE000478.

22 **INTERROGATORY NO. 20.**

23 DESCRIBE every document which was examined or consulted by Plaintiff, her
24 representative(s) or attorney(s) in preparing answers to the foregoing Interrogatories, and
25 indicate the name and address of the custodian of each of those document(s).

26 **RESPONSE:**


27 See response to Request for Production No. 1.
28

1 **RESPONSE:**

2 No

3 DATED February 12, 2010.

4 Respectfully submitted,
5 **WHITEHEAD LAW OFFICES**

6 
7 _____
8 Jeffrey J. Whitehead, Esq.
9 Nevada Bar No. 3183
10 2431 W. Horizon Ridge Pkwy.
11 Suite 110
12 Henderson NV 89052
13 VOX: (702) 451-7272
14 FAX: (702) 451-2947
15 email: jeff@whiteheadlaw.org

16 *Attorney for Plaintiff Tara Sweeney*
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing PLAINTIFF'S RESPONSES TO
DEFENDANT THE UNLV RESEARCH FOUNDATION'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF was sent February 12, 2010 to the following
person(s) by the following method(s):

☒ **U.S. Mail**, by depositing a true and correct copies of same in the United
States Mail, postage prepaid at Henderson, Nevada, to the persons at the
addresses listed below:

☒ e-mail, to the email addresses listed below:

☐ by facsimile transmission to the fax numbers listed below:

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Lipson, Neilson, Cole Seltzer & Garin, PC
9580 West Sahara Ave., Suite 120
Las Vegas, NV 89117
FAX: (702) 382-1512
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An Employee of WHITEHEAD LAW OFFICES

EXHIBIT “E”

EXHIBIT “E”

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8 ADMITTED IN OHIO
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March 12, 2010

BARRY J. LIPSON
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VIA EMAIL ONLY

Jeffrey J. Whitehead, Esq.
Whitehead Law Office
2431 W. Horizon Ridge Pkwy., Suite 110
Henderson, NV 89052

Re: Tara Sweeney v. UNLV Research Foundation, et al.
Case No. 2:09-cv-01167

Dear Mr. Whitehead:

The UNLV Research Foundation served a set of written Requests for Production and Interrogatories on Plaintiff on December 21, 2010, by email and first-class mail. This service made the responses due on or before January 25, 2010. Plaintiff's responses were ultimately served on February 12, 2010. Although there were limited discussions related to an extension, no extension was ever granted.

As you know, the failure to timely provide discovery responses results in the waiver of all objections. That said, Plaintiff's responses to Interrogatories contained no fewer than ten objections and the Requests for Productions contained no fewer than five objections. Other than the objections to Interrogatory 8(e) and 8(f), we request that all objections be withdrawn. It is also noted that you indicate a need for a protective order relating to the Responses to Request for Production 5 and 6 (relating to wage and tax information). Again, as you know, the time to seek a protective order is prior to the date the responses are due.

Please remove the untimely objections in Plaintiff's Responses and provide Defendant with proper substantive responses to Requests for Production 5 and 6 discussed above. Please contact our office by March 19, 2010 to discuss these issues.



Jeffrey J. Whitehead, Esq.
April 5, 2010
Page 2

We trust these issues can be resolved amicably and look forward to discussing them with you in the near future. In the event we do not hear from you and do not receive amended/supplemental responses we will seek assistance from the Court, which will include a request for our attorneys' fees and costs associated with said motion. Thank you.

Very truly yours,

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

/s/ Kaleb Anderson
KALEB D. ANDERSON

KDA/vh/GR3384-034
Enclosure

EXHIBIT “F”

EXHIBIT “F”

WHITEHEAD LAW OFFICES

Jeffrey J. Whitehead, Esq.[†]

Jeffrey J. Whitehead, Ltd.

[†]Admitted in NV, AZ and CO.

RECEIVED MAR 25 2010

Tuesday, March 23, 2010

Kaleb Anderson
Lipson Neilson Cole Seltzer & Garin, PC
9580 West Sahara Ave., Suite 120
Las Vegas, NV 89117

FAX: (702) 382-1512

Re: Sweeney v. UNLV Research Foundation, et al.
Case No. 2:09-cv-01167

Dear Mr. Anderson:

I am in receipt of your letter of March 12 regarding the issue of objections to your discovery requests. I found your analysis devoid of legal citation. I disagree with your analysis. I will not withdraw my objections.

Sincerely,

WHITEHEAD LAW OFFICES



Jeffrey J. Whitehead, Esq.

EXHIBIT “G”

EXHIBIT “G”

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March 26, 2010

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Via Email Only

Jeffrey J. Whitehead, Esq.
Whitehead Law Office
2431 W. Horizon Ridge Pkwy., Suite 110
Henderson, NV 89052

Re: Tara Sweeney v. UNLV Research Foundation, et al.
Case No. 2:09-cv-01167

Dear Mr. Whitehead:

We received your March 23, 2010 letter regarding your untimely objections to our client's discovery requests. As stated in your correspondence, you disagree with our analysis and refuse to withdraw your objections despite providing no legal authority for your position. Please consider this letter as a response.

As you know, the UNLV Research Foundation served a set of written Requests for Production of Documents and Interrogatories on Plaintiff on December 21, 2010 by email and first-class mail. This made the responses due on or before **January 25, 2010**. Although there were limited discussions related to an extension, no extension was ever granted, and your client's unverified responses were ultimately served on February 12, 2010.

At the deposition of Ms. Sweeney on February 23, 2010, Shannon Nordstrom mentioned she did not receive a verification for the interrogatories. FRCP 33(b)(3) states that "[e]ach interrogatory must...be answered separately and fully in writing under oath." See also *Saria v. Massachusetts Mut. Life Ins. Co.*, 228 F.R.D. 536 (S.D.W. Va., 2005)(invalidating unverified interrogatory responses and holding that "[w]hen responses are only signed by an attorney, and not by the client, the attorney has effectively been made a witness."). To date your client has not provided a verification for the interrogatory responses making them equivalent to no response at all.



Jeffrey J. Whitehead, Esq.
March 26, 2010
Page 2

absence of an extension of time, "the failure to object to interrogatories within the time fixed by Rule 33, FRCivP, constitutes a waiver of any objection." *Davis v. Fendler*, 650 F.2d 1154, 1160 (9th Cir.1981) See also *Godsey v. United States*, 133 F.R.D. 111 (S.D. Miss.1990); *Scott v. Arex, Inc.*, 124 F.R.D. 39, 41 (D. Conn.1989); *Fretz v. Keltner*, 109 F.R.D. 303, 309 (D. Kan.1985); *Turick v. Yamaha Motor Corp.*, 121 F.R.D. 32, 36 (S.D.N.Y. 1988).

The same holds true for the untimely response to the Requests to Produce - the failure to file timely objections constitutes a waiver of all objections. See *Perry v. Golub*, 74 F.R.D. 360 (N.D. Ala. 1976); *Davis v. Romney*, 53 F.R.D. 247 (E.D. Pa. 1971) ("If discovery rules are to have any effect or meaning, the failure to serve such objections within the time prescribed should be considered a waiver of such objections").

Given the clear authority on these issues, please provide verified, substantive responses, without objections, to Interrogatories 1, 2, 8(d), 10, 11, 12, 13, 16, 20 and Requests for Production 5, 6, 9, 18, and 28.

If these responses are not received in our office by the end of business on **March 29, 2010**, we will file a Motion to Compel which will include a request for attorneys' fees and costs associated with said motion and all attempts to meet and confer. If we are forced to file a Motion to Compel, we will continue to seek fees even if the appropriate responses are served after the filing of the Motion pursuant to FRCP 37(a)(5)(A) .

If you have any further questions, feel free to contact me. I look forward to hearing from you.

Very truly yours,

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

A handwritten signature in black ink, appearing to read "Kaleb D. Anderson", is written over a horizontal line.

KALEB D. ANDERSON

KDA/vh/GR3384-034